

AGREEMENTS TO BE SOUGHT BY THE DCI WITH
CHAIRMEN OF THE SELECT COMMITTEES

1. It would be desirable if the DCI could secure agreement with the Chairmen of the Select Committees, as has been customary in other Congressional proceedings regarding sensitive matters, that:

(a) Departments and agencies shall have the right to request that testimony be given only in executive session, that in some instances testimony be "off-the-record" and that certain testimony be heard only by members and in some cases only by the Chairman and Vice Chairman.

(b) Witnesses be afforded an opportunity to review and comment on and/or correct the record of their testimony prior to any publication of it.

(c) When questioned about intelligence matters that come under the purview of another organization, witnesses should be permitted to state that a response to the question is not properly within their authority and to respectfully suggest that the appropriate party be called to testify on such matters.

2. It would also be desirable if the DCI could secure agreement with the Chairmen of the Select Committees that those agencies furnishing documents to the committees be authorized to excise from those documents, prior to presentation, the names of their personnel under cover or whose personal safety might be jeopardized as well as those of other individuals whose safety or individual privacy may be jeopardized by disclosure. Also excised should be names of sources, operations, specific details of technical devices and systems maintained in compartmented channels and names of organizations cooperating on a highly confidential basis.

3. In view of their susceptibility to foreign countermeasures, it would be desirable if the DCI could obtain agreement with the Chairmen of the Select Committees not to require presentation of details

of the technology of the technical collection programs. It would also be desirable if the Select Committees adopted the use of Compartmented Control Systems to protect documents on these programs and cleared only those staff personnel with an absolute need-to-know. The responsible departments and agencies would be glad to advise and assist in any arrangements the Chairmen would desire in this compartmented area.

4. Further, it would be desirable if the DCI attempt to secure an agreement with the Chairmen of the Select Committees that they will entertain and consider security principles and guidelines which will be provided.

GUIDES FOR PROTECTION OF CLASSIFIED INFORMATION
AND DOCUMENTS FURNISHED THE SELECT COMMITTEES

1. Personnel Security Clearances

(a) Background Investigation

It would be desirable for the Select Committees to stipulate that no staff personnel is to be given access to any classified material, testimony or information received or generated by the committees without prior receipt of a security clearance based on a full field investigation.

(b) Secrecy Agreement

It would be desirable for the Select Committees to require a signed secrecy agreement of employees or individuals assigned to the committees' staffs. The agreement should include provisions:

- 1) That acceptance of committee secrecy regulations is a condition precedent of employment or assignment;
- 2) Recognizing US Government property rights to classified information;
- 3) Requiring prior written consent before divulgence of classified information;
- 4) For recognition that breach of the secrecy rules and obligations contained in the agreement could subject the signer to administrative and/or legal action under appropriate statutes;
- 5) That there is no time limit on the terms of the agreement.

2. Physical and Document Security

The Select Committees should adopt rules to insure that the secrecy of any sensitive information received or generated by it be preserved. These rules should be made known to the individuals and agencies who will be called upon to present testimony or materials. Among these should be rules on physical security and document security.

(a) Physical Security

It would be desirable if the Select Committees adopt the following rules related to physical security:

- 1) All classified material will be stored in safes for safekeeping in the registry of the Joint Committee on Atomic Energy or similar facility and handled in accordance with the regulations of this registry for classified material.
- 2) Twenty-four-hour guard protection, supplemented by anti-intrusion alarms, should be required on the storage area.
- 3) Areas selected for use in closed session should be guarded against entry by unauthorized persons.
- 4) The committees should arrange for the conduct of audio countermeasures to preclude the possibility of unauthorized use of transmitters and/or recording devices. It should be noted that a foreign clandestine transmitter was located in the Rayburn House Office Building on 12 February 1973.
- 5) At the end of each session of the Select Committees, the hearing room should be examined by a cleared staff officer who will secure any misplaced classified material or waste.

6) Areas should be designated in which classified material can be reviewed. These areas should be secure against access by unauthorized personnel. Material should not be removed from these areas for the sake of convenience except when necessary for the work of the committees and should not be transported overnight to the office or residence of personnel of the committees.

(b) Document Security

1) Committees should select and identify a single location and specific personnel authorized to sign acknowledgement of receipt of classified materials provided to the committees.

2) A system of document control should be established to permit control of classified documents to provide for accountability.

3) Duplication of documents should be controlled so as to require a record of the document reproduced, the number of copies reproduced and the custodian or receiving personnel. Reproduced classified documents should be subject to the same controls as the original.

4) Appropriate arrangements should be made for the destruction of classified waste.

5) Transcripts. The committees should give consideration to the necessity of providing appropriate security in the transcription of testimony by committee transcribers. The committees may desire to charge each agency presenting testimony with this responsibility. In some, if not all cases, this might include escort of materials to the place of transcription, the securing of carbons, waste and notes and the return of the transcribed testimony to the committee for safekeeping in accordance with committee rules.

6) Early agreement should be reached on the disposition of classified materials such as storage under seal in the National Archives. The question of access should be determined by the President of the Senate or the Speaker of the House.

3. Compartmented Information

There is some extremely sensitive information in the intelligence community which is disseminated only to those who have a very strict "need to know" in order to build, perfect, operate or handle the material produced by extremely sensitive foreign intelligence collection programs. The sensitivity of these programs rests upon the vulnerability to countermeasures which a foreign government could easily institute if details of the means of collection became known. Thus, even individuals cleared for Top Secret information do not have access to compartmented information unless they are required to have such knowledge in the performance of their duties. This information is handled in Compartmented Control Systems. It would be desirable if the Chairmen would adopt the Compartmented Control Systems on these extremely sensitive collection efforts and clear only those staff personnel with an absolute "need to know" about such systems, and that documents related to such systems be handled in a compartmented fashion by the Select Committee. The responsible departments and agencies would be glad to advise and assist in any arrangements the Chairmen would desire in this compartmented area.

4. Security Officer

It would be desirable if the committees appointed a security officer with the responsibility of discharging the security rules adopted by the committee and of serving as a point of contact with the departments and agencies of interest to the committee. It would also be desirable if the committee rules required each agency of interest to identify a single point of contact to facilitate provisions of security support required by the committee.

SECRECY AGREEMENT

I, _____, in accepting employment or assignment with the Select Committee to Study Governmental Operations with Respect to Intelligence Activities, recognize the special trust and confidence placed in me to protect classified information from unauthorized disclosure.

I hereby agree to accept the specific obligations set forth below as a condition precedent of my employment or assignment with the Select Committee to Study Governmental Operations with Respect to Intelligence Activities, established by the Senate of the United States, Resolution 21, agreed to on January 27, 1975, hereinafter referred to as the Select Committee.

It is my understanding that in the course of my employment or assignment with the Select Committee I will be given access to information from departments and agencies of the Government which is classified in accordance with the standards set forth in Executive Order 11652 of March 8, 1972, as amended. All classified information so acquired by me in the course of my employment remains the property of the United States of America and I further agree to surrender upon demand by the Chairman of the Select Committee or his designee(s) or upon my separation from the Select Committee, any classified material which has come into my possession as a result of my employment or assignment with the Select Committee.

I hereby agree that the burden is on me to determine if information is classified and that I will never divulge, publish or reveal by word, writing, conduct or otherwise any classified information which has come to my knowledge as a result of my employment or assignment with the Select Committee without prior written consent of the Chairman or the President of the Senate or their duly authorized representative.

I hereby agree that any information learned during my employment or assignment with the Select Committee which is related to intelligence and prepared for publication by me will be submitted to the Chairman or the President of the Senate or their duly authorized representative prior to discussing with or showing to any publisher, editor or literary agent for the purpose of determining whether said material contains any classified information as defined in Executive Order 11652. I agree that the Chairman of the Select Committee, President of the Senate or their duly authorized representative has the authority to make the final determination as to whether information is classified and thus should be deleted from the material submitted.

I have been informed of the provisions of 18 U.S.C. 793, 794, 798 and 952; and 50 U.S.C. 783 (b); and 42 U.S.C. 2274; and Executive Order 11652, all of which relate to the protection of classified information, and understand their meaning.

Further, I agree to abide by such rules and procedures as the Select Committee shall institute for the protection of classified material. I understand that any breach of any part of the obligations in this agreement could subject me to legal and/or administrative action.

I further agree that all the conditions and obligations imposed on me with respect to the protection of classified information by this agreement and applicable security regulations apply during my employment or assignment and continue after that relationship has terminated.

I take the obligations set forth above freely and without any mental reservations or purpose of evasion.

Signature

Date

WITNESS:

Signature

Date